

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRYANT RICHEY,

Defendant.

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8:07CR177

ORDER

This matter is before the court on the motion of Assistant Federal Public Defender David M. O'Neill and the Office of the Federal Public Defender to withdraw as counsel for the defendant, Bryant Richey (Richey) (Filing No. 15). Mr. O'Neill represents he has a conflict of interest in this matter as he recently determined the arresting officer is a close relative of another attorney in the Office of the Federal Public Defender. Mr. O'Neill's and the Office of the Federal Public Defender's motion to withdraw (Filing No. 15) is granted. James K. McGough, 11920 Burt Street, Suite 100, P.O. Box 540186, Omaha, NE 68154, (402) 614-8655, is appointed to represent Richey for the balance of these proceedings pursuant to the Criminal Justice Act. Mr. O'Neill shall forthwith provide Mr. McGough with the discovery materials provided the defendant by the government and such other materials obtained by Mr. O'Neill which are material to Richey's defense.

The clerk shall provide a copy of this order to Mr. McGough who shall file an appearance forthwith.

Richey will be given **until August 10, 2007**, in which to file any pretrial motions in accordance with the progression order (Filing No. 8). The ends of justice have been served by granting such additional time to file pretrial motions and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting such time, i.e., the time between **July 19, 2007 and August 10, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

IT IS SO ORDERED.

DATED this 19th day of July, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge